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AMENDED IN SENATE AUGUST 21, 1996
AMENDED IN SENATE JULY 15, 1996
AMENDED IN SENATE JULY 7, 1996
AMENDED IN SENATE JUNE 11, 1996
AMENDED IN ASSEMBLY MAY 13, 1996
AMENDED IN ASSEMBLY APRIL 22, 1996
AMENDED IN ASSEMBLY APRIL 17, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3245

Introduced by Assembly Member Bordonaro

February 23, 1996

An act to amend Sections 355, 702, 1052, 2003, 6596, 7120, 7151, 7652, 7852, 7881, 7921, 8046, 8100, 8231, 8233, 8235, 8246, 8254, 8275, 8280.1, 8280.2, 8280.4, 8305.8, 8306.2, 8306.6, 8308, 8311, 8313, 8314, 8394, 8397, 8500, 8550, 8561, 8567, 8597, 8598, 8598.3, 8837, 8842, 9001, 9001.5, 9001.6, 9006, 9054, 14000, 14001, and 14100 of, to amend and renumber Section 8312 of, to amend, repeal, and add Section 3031 of, to amend and repeal Sections 331 and 8300.1 of, to add Sections 316.5, 7601, 7852.21, 7857, 7858, and 7892 to, and to repeal Sections 8256, 8598.5, and 8839 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3245, as amended, Bordonaro. Fish and game.

(1) Under existing law, the Fish and Game Commission is authorized to adopt regulations to conform California laws relating to the taking or possession of Pacific halibut and migratory birds to specified federal laws, and the Director of Fish and Game is authorized to adopt regulations suspending California laws relating to commercial fishing for one year to conform them to certain federal fishery management plans.

This bill would authorize the commission to adopt regulations to conform California laws relating to the taking or possession of salmon to federal law, and would delete the one-year limitation on those regulations relating to commercial fishing adopted by the director. The bill would exempt the regulations adopted by the director from the Administrative Procedure Act.

(2) Under existing law, the commission is authorized to adopt regulations governing the areas, seasons, and other matters relating to the taking of antelope. Existing law also authorizes the commission, until January 1, 1997, to annually direct the Department of Fish and Game to authorize not less than one antelope tag or more than 1% of the total number of tags to be sold at auction for programs and projects to raise funds for programs and projects to benefit antelope.

This bill would extend that authorization to sell those tags to raise funds indefinitely.

(3) Under existing law, transferring any license, license tag, license stamp, permit, application, or reservation or predating and postdating any license, license tag, or permit is a misdemeanor. Existing law also provides the valid period for certain commercial fishing licenses and permits and commercial boat registration.

This bill would prohibit postdating the date of application or the date of issuance of a license, license tag, or permit and would declare that this prohibition does not apply to the date that a license, license tag, or permit is valid.

The bill would exclude the single-day fishing licenses from the requirement for an ocean enhancement stamp to take fish from ocean waters south of Point Arguello for purposes other than for profit and would make technical changes to those



provisions. This bill would make commercial licenses and permits to take, possess, or land fish for commercial purposes, except certain commercial fish business licenses, valid from April 1 to March 30 of the next following year and would limit the requirements relating to possession of fish for commercial purposes to possession aboard a boat. The bill would provide, effective April 1, 1997, for an upgrade stamp to upgrade a commercial crewmember fishing license to a commercial operator fishing license, and would establish a fee of \$125 for a lobster crewmember permit. The bill would also provide other general conditions applicable to commercial licenses and permits, other than fish business licenses, including conditions prohibiting the transfer and providing for the revocation of the commercial license or permit. The bill would make other conforming changes to existing law relating to the revocation of commercial fishing licenses and permits.

Because existing law would make a violation of the conditions a crime, the bill would thereby impose a state-mandated local program by creating and changing the definition of a crime.

(4) Under existing law, the hunting license fee for a resident of this state under the age of 16 years is \$4, as adjusted, and the fee for a hunting license for any nonresident is \$59, as adjusted.

This bill, commencing July 1, 1997, would make the fee for a hunting license for a nonresident under the age of 16 years \$4, as adjusted, and would authorize the issuance of a hunting license for a nonresident 16 years of age or older, valid for 2 consecutive days and for taking only resident and migratory game birds, resident small game mammals, fur-bearing mammals, and nongame mammals, upon payment of a fee of \$25, as adjusted. *This bill would also permit the department to waive the permit fee for certain contests, tournaments, and derbies.*

(5) *Under existing law, groups of mentally or physically handicapped persons under the care of a licensed care center may be issued a free sportfishing permit.*



This bill would also permit such a permit to be issued to those groups under the care of a tax-exempt organization, school, or school district.

(6) Under existing law, it is a misdemeanor to possess more than one daily bag limit of any fish taken under a license to take fish for purposes other than for profit, as specified.

This bill would specify the licenses subject to that law and would exempt possession authorized by certain regulations adopted by the commission.

~~(6)~~

(7) Under existing law, the owner of a vessel is defined for purposes of certain commercial fishing laws.

This bill would define “owner” and “vessel owner” for purposes of commercial fishing laws generally.

~~(7)~~

(8) Under existing law, the owner or operator of a vessel or aircraft used for commercial fishing is required to obtain a commercial boat registration for that vessel.

This bill would separately provide for the department to issue to the owner or operator of an aircraft used in connection with commercial fishing operations an aircraft registration for the aircraft for a fee of \$200 that would be required to be carried aboard the aircraft at all times when the aircraft is used in connection with commercial fishing operations.

~~(8)~~

(9) Under existing law, a landing receipt is required to be prepared for all fish landed for commercial purposes. The original signed copy of the landing receipt is required to be delivered to the department on or before the 1st and 16th day of each month.

This bill would, instead, require that copy of the landing receipt to be delivered to the department on or before the 16th or last day of the month in which the fish are landed, whichever date occurs first after the fish are landed.

~~(9)~~

(10) Under existing law, the owner of a commercial fishing vessel used to take salmon for commercial purposes is required to obtain a commercial fishing vessel salmon permit and authorizes the owner or the owner’s agent to renew the permit. If the department does not receive an application to



renew the permit for any vessel for which a vessel permit has been issued the department is required to notify the owner of the vessel by certified mail.

This bill would, instead, require the notice to be sent by 1st-class mail.

~~(10)~~

(11) Under existing law, abalone diving permits that authorize the taking of abalone for commercial purposes are required to be issued to prior permittees who landed specified quantities of abalone in the preceding calendar year. Existing law provides for appeals to the commission for nonuse of a permit for reasons beyond the control of an applicant. Existing law also makes it unlawful, until January 1, 1997, to take abalone for commercial purposes in the mainland coastal waters from Palos Verdes Point to Dana Point.

This bill would delete that landing requirement and appeals process for failure to meet the landing requirement and, instead, would require those permits to be issued to persons who held a valid abalone diving permit in the immediately preceding permit year that has not been suspended or revoked. This bill would extend to January 1, 2002, the ban on taking abalone for commercial purposes in the coastal waters from Palos Verdes Point to Dana Point, thereby imposing a state-mandated local program by continuing in effect a crime that would otherwise be repealed.

~~(11)~~

(12) Until January 1, 1997, existing law prohibits the holder of an abalone diving permit to possess, transport, control, or land more than 180 each of red, green, pink, or black abalone on any day or possess more than 360 total of any one species of abalone on a vessel at any time. Thereafter, that prohibition applies only to black abalone. Until January 1, 1997, existing law requires a court to order the department to permanently revoke the commercial fishing license and any commercial fishing permits of a person convicted of possession, transportation, or control limits on abalone for commercial purposes under certain conditions.

This bill would extend those provisions to January 1, 2002, thereby imposing a state-mandated local program by extending the operation of a crime.



~~(12)~~

(13) Existing law imposes special fines and license revocation requirements for conviction of possession of sevenfold excesses over the bag limit of abalone taken under a sportfishing or a sport ocean fishing license until January 1, 1997.

This bill would extend those special fines and license revocation requirements to January 1, 2002, thereby imposing a state-mandated local program by extending the operation of a crime.

~~(13)~~

(14) Under existing law, until January 1, 1997, a person who is required to pay a landing tax for abalone brought ashore for commercial purposes is required to pay an additional tax of 19¹/₂¢ in addition to each pound or fraction thereof to be deposited in the Fish and Game Preservation Fund and used for the Abalone Resources Restoration and Enhancement Program.

This bill would extend the collection of the additional tax until January 1, 2002, and would make an appropriation by authorizing the use of the revenues from the tax which are deposited in a continuously appropriated fund for the purposes of the program until January 1, 2003.

~~(14)~~

(15) Existing law authorizes not more than 15% of the revenues from the additional landing tax for abalone to be used for administration by the department.

This bill would make an appropriation by authorizing the use of those revenues for administration until January 1, 2003, in an amount equal to the regularly approved departmental indirect overhead rate.

~~(15)~~

(16) Existing law prohibits taking or possessing certain fish for commercial purposes, including brown smoothhound sharks.

This bill would limit that prohibition to brown smoothhound sharks that are less than 18 inches in a whole condition or dressed with head and tail removed, and would extend the prohibition to landing of those fish.

~~(16)~~



(17) Existing law, until January 1, 1997, limits the persons to whom permits to take pink shrimp may be issued.

This bill would extend that limitation to April 1, 1999.

(18) Existing law generally authorizes taking of finfish for commercial purposes with traps pursuant to a finfish trap permit south of Point Arguello. Existing law authorizes taking of hagfish for commercial purposes under a hagfish permit, limits that taking to taking with traps, and excludes the taking of hagfish from the general trap permit.

This bill would limit the use of Korean traps, as defined, or bucket traps, as described, to the taking of hagfish. Because existing law would make a violation of the trap limitation a crime, the bill would impose a state-mandated local program.

~~(17)~~

(19) Existing law authorizes double bags or cod-ends in nets to be used or possessed for commercial fishing in accordance with federal groundfish regulations.

This bill would delete that authorization.

~~(18)~~

(20) Under existing law, the Governor has executed an interstate compact on behalf of the state forming the Pacific Marine Fisheries Commission that has been approved by Congress. Congress has redesignated that commission to be the Pacific States Marine Fisheries Commission.

This bill would conform state law to that redesignation.

~~(19)~~

(21) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the Department of Fish and Game and the commission to carry out the Fish and Game Code.

Because this bill would provide for additional fees to be deposited in the Fish and Game Preservation Fund and would impose new duties on the department and the commission, the bill would make an appropriation.

~~(20)~~

(22) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 316.5 is added to the Fish and
2 Game Code, to read:

3 316.5. The commission may prohibit the taking or
4 possessing of salmon in the same manner as the taking or
5 possessing of salmon is prohibited by federal law or by
6 rules or regulations adopted by the United States
7 Secretary of Commerce, notwithstanding any other
8 provision of this code.

9 SEC. 2. Section 331 of the Fish and Game Code, as
10 amended by Section 2 of Chapter 1370 of the Statutes of
11 1992, is amended to read:

12 331. (a) The commission may determine and fix the
13 area or areas, the seasons and hours, the bag and
14 possession limit, and the sex and total number of antelope
15 (*Antilocapra americana*) that may be taken under
16 regulations which the commission may adopt from time
17 to time. Only a resident of the State of California
18 possessing a valid hunting license, who has not received
19 an antelope license tag under these provisions during a
20 period of time specified by the commission, may obtain
21 a license tag for the taking of antelope.

22 (b) A license tag may be issued upon payment of a fee
23 of fifty-five dollars (\$55), as adjusted under Section 713.
24 The fee shall be deposited in the Fish and Game
25 Preservation Fund and shall be expended, in addition to
26 money budgeted for salaries of persons in the
27 department, for the expense of implementing this
28 section.

29 (c) The commission shall direct the department to
30 annually authorize not less than one antelope tag or more
31 than 1 percent of the total number of tags available for the
32 purpose of raising funds for programs and projects to
33 benefit antelope. These tags may be sold at auction to



1 residents or nonresidents of the State of California or by
2 another method and are not subject to the fee limitation
3 prescribed in subdivision (b).

4 SEC. 3. Section 331 of the Fish and Game Code, as
5 added by Section 2 of Chapter 710 of the Statutes of 1991,
6 is repealed.

7 SEC. 4. Section 355 of the Fish and Game Code is
8 amended to read:

9 355. The commission may, annually, adopt
10 regulations pertaining to migratory birds to conform with
11 or to further restrict the rules and regulations prescribed
12 pursuant to the Migratory Bird Treaty Act.

13 Regulations adopted under this section are not subject
14 to Sections 11343.4, 11346.1, 11346.4, and 11346.8 of the
15 Government Code.

16 Every regulation of the commission adopted pursuant
17 to this article shall be filed with the Secretary of State, and
18 shall become effective upon filing unless otherwise
19 specified in the regulations.

20 SEC. 4.5. Section 702 of the Fish and Game Code is
21 amended to read:

22 702. This code shall be administered and enforced
23 through regulations adopted only by the department,
24 except as otherwise specifically provided by this code or
25 where this code requires the commission to adopt
26 regulations.

27 SEC. 5. Section 1052 of the Fish and Game Code is
28 amended to read:

29 1052. It is unlawful for any person to do any of the
30 following:

31 (a) Transfer any license, license tag, license stamp,
32 permit, application, or reservation.

33 (b) Use or possess any license, license tag, license
34 stamp, permit, application, or reservation that was not
35 lawfully issued to the user thereof or that was obtained by
36 fraud, deceit, or the use of a fake or counterfeit
37 application form.

38 (c) Use or possess any fake or counterfeit license,
39 license tag, license stamp, permit, permit application
40 form, band, or seal, made or used for the purpose of



1 evading any of the provisions of this code, or regulations
2 adopted pursuant thereto.

3 (d) Predate or fail to date any license, license tag, or
4 permit.

5 (e) Postdate the date of application or the date of
6 issuance of the license, license tag, or permit. This
7 subdivision does not apply to the date that a license,
8 license tag, or permit is valid.

9 (f) Alter, mutilate, deface, duplicate, or counterfeit
10 any license, license tag, permit, permit application form,
11 band, or seal, or entries thereon, to evade the provisions
12 of this code, or any regulations adopted pursuant thereto.

13 *SEC. 5.5. Section 2003 of the Fish and Game Code is*
14 *amended to read:*

15 2003. (a) Except as specified in subdivisions (b) and
16 (c), it is unlawful to offer any prize or other inducement
17 as a reward for the taking of any game birds, mammals,
18 fish, reptiles, or amphibia in an individual contest,
19 tournament, or derby.

20 (b) The department may issue a permit to any person;
21 ~~as defined in Section 67,~~ authorizing that person to offer
22 a prize or other inducement as a reward for the taking of
23 any game fish, as defined by the commission by
24 regulation, if it finds that there would be no detriment to
25 the resource. The permit is subject to regulations adopted
26 by the commission. The application for the permit shall
27 be accompanied by a fee in the amount determined by
28 the department as necessary to cover the reasonable
29 administrative costs incurred by the department in
30 issuing the permit. *However, the department may waive*
31 *the permit fee if the contest, tournament, or derby is for*
32 *persons under the age of 16 years, or who are physically*
33 *or mentally challenged, the primary purpose of the*
34 *contest, tournament, or derby is to introduce young*
35 *anglers to, or educate them about, fishing, and the total*
36 *value of all prizes or other inducements does not exceed*
37 *five hundred dollars (\$500). All permits for which the fee*
38 *is waived pursuant to this subdivision shall comply with*
39 *all other requirements set forth in this section.* The
40 department may issue the following permits:



1 (1) An annual permit ~~which~~*that* covers all contests,
2 tournaments, or derbies in a calendar year where, on each
3 occasion, the number of participants does not exceed 50
4 and the total value of all prizes or *other* inducements does
5 not exceed one thousand dollars (\$1,000). The annual
6 permit is subject to terms and conditions ~~which~~*that* shall
7 include, but are not limited to, the number, date, and
8 locations of all contests, tournaments, or derbies ~~which~~
9 *that* are authorized by the permit.

10 (2) An event permit that covers each contest,
11 tournament, or derby where either the number of
12 participants exceeds 50 or the total value of all prizes or
13 *other* inducements exceeds one thousand dollars
14 (\$1,000).

15 (c) This section does not apply to an individual
16 contest, tournament, or derby for the taking of game
17 birds and mammals if the total value of all prizes or *other*
18 inducements are less than five hundred dollars (\$500) for
19 each contest, tournament, or derby.

20 (d) This section does not apply to any person,—as
21 ~~defined in Section 67~~, conducting what are generally
22 known as frog-jumping contests or fish contests
23 conducted in waters of the Pacific Ocean.

24 SEC. 6. Section 3031 of the Fish and Game Code is
25 amended to read:

26 3031. (a) A hunting license, granting the privilege to
27 take birds and mammals, shall be issued to any of the
28 following:

29 (1) Any resident of this state, 16 years of age or older,
30 upon the payment of a base fee of seventeen dollars (\$17),
31 as adjusted under Section 713.

32 (2) Any resident of this state, under the age of 16 years,
33 upon the payment of a base fee of four dollars (\$4), as
34 adjusted under Section 713.

35 (3) Any person not a resident of this state, upon the
36 payment of a base fee of fifty-nine dollars (\$59), as
37 adjusted under Section 713.

38 (4) Any person not a resident of this state, valid for one
39 day and only for the taking of domesticated game birds
40 and pheasants while on the premises of a licensed game



1 bird club, or for the taking of domesticated migratory
2 game birds on areas licensed for shooting those birds,
3 upon the payment of a base fee of eight dollars (\$8), as
4 adjusted under Section 713.

5 (5) Any person not a resident of this state, valid only
6 at an organizational field trial under Section 3510, upon
7 the payment of a base fee of fifteen dollars (\$15), as
8 adjusted under Section 713.

9 (b) The adjustment of the base fees under Section 713
10 which are specified in paragraphs (1) to (5), inclusive of
11 subdivision (a), are applicable to the hunting license
12 years beginning on and after July 1, 1988.

13 (c) This section shall remain in effect only until July 1,
14 1997, and as of that date is repealed, unless a later enacted
15 statute, that is enacted before July 1, 1997, deletes or
16 extends that date.

17 SEC. 6.3. Section 3031 is added to the Fish and Game
18 Code, to read:

19 3031. (a) A hunting license, granting the privilege to
20 take birds and mammals, shall be issued to any of the
21 following:

22 (1) A resident of this state, 16 years of age or older,
23 upon the payment of a base fee of seventeen dollars (\$17),
24 as adjusted under Section 713.

25 (2) A person under the age of 16 years, upon the
26 payment of a base fee of four dollars (\$4), as adjusted
27 under Section 713.

28 (3) A person not a resident of this state, 16 years of age
29 or older, upon the payment of a base fee of fifty-nine
30 dollars (\$59), as adjusted under Section 713.

31 (4) A person not a resident of this state, 16 years of age
32 or older, valid only for two consecutive days upon
33 payment of a base fee of twenty-five dollars (\$25), as
34 adjusted under Section 713. A license issued pursuant to
35 this paragraph is valid only for taking resident and
36 migratory game birds, resident small game mammals,
37 fur-bearing mammals, and nongame mammals, as
38 defined in this code or in regulations adopted by the
39 commission.



1 (5) A person not a resident of this state, valid for one
2 day and only for the taking of domesticated game birds
3 and pheasants while on the premises of a licensed game
4 bird club, or for the taking of domesticated migratory
5 game birds in areas licensed for shooting those birds, upon
6 the payment of a base fee of eight dollars (\$8), as adjusted
7 under Section 713.

8 (6) A person not a resident of this state, valid only at
9 an organizational field trial under Section 3510, upon the
10 payment of a base fee of fifteen dollars (\$15), as adjusted
11 under Section 713.

12 (b) The adjustment of the base fees under Section 713,
13 which are specified in paragraphs (1) to (6), inclusive, of
14 subdivision (a), are applicable to the hunting license
15 years beginning on and after July 1, 1988.

16 (c) This section shall become operative on July 1, 1997.

17 SEC. 6.6. Section 6596 of the Fish and Game Code is
18 amended to read:

19 6596. (a) In addition to a valid California fishing
20 license issued pursuant to Section 7149 and any other
21 applicable license stamp issued pursuant to this code, a
22 person taking fish from ocean waters south of a line
23 extending due west from Point Arguello for purposes
24 other than for profit shall have permanently affixed to his
25 or her fishing license, except a sportfishing license issued
26 pursuant to paragraph (4) of subdivision (a) of Section
27 7149, an ocean fishing enhancement stamp. A license
28 stamp issued under this subdivision shall be issued for the
29 following fees:

30 (1) A stamp for a sportfishing or sport ocean fishing
31 license, two dollars and fifty cents (\$2.50). Sportfishing
32 licenses issued pursuant to paragraph (4) of subdivision
33 (a) of Section 7149 are not subject to this requirement.

34 (2) A stamp for each single day sport ocean fin fishing
35 license issued pursuant to subdivision (c) of Section 7149,
36 fifty cents (\$0.50). Sportfishing licenses issued pursuant to
37 paragraph (4) of subdivision (a) of Section 7149 are not
38 subject to this requirement.

39 (b) In addition to a valid California commercial
40 passenger fishing boat license issued pursuant to Section



1 7920, the owner of any boat or vessel who, for profit,
2 permits any person to fish therefrom, south of a line
3 extending due west from Point Arguello, shall have a
4 valid commercial ocean fishing enhancement stamp
5 issued for that vessel that has not been suspended or
6 revoked.

7 (c) In addition to a valid California commercial fishing
8 license issued pursuant to Section 7852, any person who
9 takes, possesses aboard a boat, or lands any white sea bass,
10 south of a line extending due west from Point Arguello,
11 shall have a valid commercial ocean fishing enhancement
12 stamp issued to that person that has not been suspended
13 or revoked.

14 (d) The fee for a commercial ocean fishing
15 enhancement stamp shall be twenty-five dollars (\$25).

16 SEC. 7. Section 7120 of the Fish and Game Code is
17 amended to read:

18 7120. It is unlawful for any person to possess more
19 than one daily bag limit of any fish taken under a license
20 issued pursuant to Section 714 or Article 3 (commencing
21 with Section 7145) unless authorized by regulations
22 adopted by the commission pursuant to Section 206.

23 SEC. 7.5. Section 7151 of the Fish and Game Code is
24 amended to read:

25 7151. (a) Upon application to the ~~headquarters office~~
26 ~~of the department in Sacramento~~, the following persons,
27 who have not been convicted of any violation of this code,
28 shall be issued, free of any charge or fee, a free
29 sportfishing license, which is valid for the calendar year
30 of issue or, if issued after the beginning of the year, for the
31 remainder thereof, and which authorizes the licensee to
32 take any fish, reptile, or amphibia anywhere in this state
33 for purposes other than profit:

34 (1) A blind person upon presentation of proof of
35 blindness. "Blind person" means a person with central
36 vision acuity of 20/200 or less in the better eye, with the
37 aid of the best possible correcting glasses, or central visual
38 acuity better than 20/200 if the widest diameter of the
39 remaining visual field is no greater than 20 degrees. Proof
40 of blindness shall be by certification from a qualified



1 licensed optometrist or ophthalmologist or by presentation
2 of a license issued pursuant to this paragraph in the
3 preceding license year.

4 (2) Every resident Native American who, in the
5 discretion of the department, is financially unable to pay
6 the fee required for the license.

7 (3) Upon certification by the person in charge of a
8 state hospital, a person who is a ward of the state and who
9 is a patient in, and resides in, the state hospital.

10 (4) Upon certification by the person in charge of the
11 regional center for the developmentally disabled, a
12 developmentally disabled person receiving services from
13 the regional center.

14 (5) A person who is a resident of the state and who is
15 so severely physically disabled as to be permanently
16 unable to move from place to place without the aid of a
17 wheelchair, walker, forearm crutches, or a comparable
18 mobility-related device. Proof of the disability shall be by
19 certification from a licensed physician and surgeon or,
20 beginning January 1, 1997, by presentation of a license
21 issued pursuant to this paragraph for the preceding year.

22 (b) Upon application to the ~~headquarters office of the~~
23 ~~department in Sacramento~~, the department may issue,
24 free of any charge or fee, a sportfishing permit to fish to
25 groups of mentally or physically handicapped persons
26 under the care of a certified federal, state, county, city, or
27 private licensed care center, *as set forth in Section 1502*
28 *of the Health and Safety Code, to organizations exempt*
29 *from taxation under Section 501(c)(3) of the federal*
30 *Internal Revenue Code, or to schools or school districts.*
31 ~~The care center shall provide evidence that it is a~~
32 ~~legitimate licensed care center.~~ *Any organization that*
33 *applies for a group fishing permit shall provide evidence*
34 *that it is a legitimate private licensed care center,*
35 *tax-exempt organization, school, or school district.* The
36 permit shall be issued to the person in charge of the group
37 and shall be in his or her possession when the group is
38 fishing. *Employees of private licensed care centers,*
39 *tax-exempt organizations, schools, or school districts are*
40 *exempt from Section 7145 only while assisting physically*



1 *or mentally disabled persons fishing under the authority*
2 *of a valid permit issued pursuant to this section.* The
3 permit shall include the location where the activity will
4 take place, *the date or dates of the activity,* and the
5 maximum number of people in the group. The
6 permit holder shall notify the local department office
7 before fishing and indicate where, when, and how long
8 the group will fish.

9 (c) On January 15 of each year, the department shall
10 determine the number of free sportfishing licenses issued
11 under subdivisions (a) and (b) to blind persons, indigent
12 resident Native Americans, wards of the state,
13 developmentally disabled persons, and physically
14 disabled persons.

15 (d) There shall be appropriated from the General
16 Fund a sum equal to two dollars (\$2) per free sportfishing
17 license issued under subdivisions (a) and (b), as
18 determined by the department pursuant to subdivision
19 (c). That sum may be appropriated annually in the
20 Budget Act for transfer to the Fish and Game
21 Preservation Fund and appropriated in the Budget Act
22 from the Fish and Game Preservation Fund to the
23 department for the purposes of this part.

24 SEC. 8. Section 7601 is added to the Fish and Game
25 Code, to read:

26 7601. “Owner” or “vessel owner” means the person or
27 persons designated as the registered owner of a vessel on
28 a certificate of documentation issued by the United States
29 Coast Guard or on a copy of the vessel registration issued
30 by the vessel registration agency of the state where the
31 owner is a resident. For purposes of this section, the vessel
32 registration agency in California is the Department of
33 Motor Vehicles.

34 SEC. 9. Section 7652 of the Fish and Game Code is
35 amended to read:

36 7652. Upon the preparation by the council, and the
37 recommendation by the council to the secretary, of a
38 fishery management plan or amendment thereto
39 pursuant to the act, or upon the approval by the secretary
40 of a fishery management plan, or amendment thereto,



1 pursuant to the act, the director may do the following to
2 conform state law or regulations of the commission to the
3 fishery management plan, or amendment thereto, if the
4 director finds that the action is necessary to achieve
5 optimum yield in California and that it is necessary to
6 avoid a substantial and adverse effect on the plan by that
7 state law or the regulations in order to continue state
8 jurisdiction pursuant to Section 1856 of the act:

9 (a) Adopt regulations that would make inoperative
10 any statute or regulation of the commission, including,
11 but not limited to, statutes or regulations regulating bag
12 limits, methods of taking, and seasons for taking of fish for
13 commercial purposes.

14 Any regulation adopted by the director pursuant to this
15 subdivision shall specify the particular statute or
16 regulation of the commission to be inoperative.

17 (b) Adopt regulations governing phases of the taking
18 of fish for commercial purposes that are not presently
19 regulated by statute or regulation of the commission.

20 (c) Adopt regulations governing phases of the taking
21 of fish for commercial purposes that are presently
22 regulated by statute or regulation of the commission, but
23 only if the statutes or regulations are first made
24 inoperative pursuant to subdivision (a) for the effective
25 period of the regulations adopted by the director
26 pursuant to this subdivision.

27 (d) Chapter 3.5 (commencing with Section 11340) of
28 Division 3 of Title 2 of the Government Code does not
29 apply to this article.

30 SEC. 10. Section 7852 of the Fish and Game Code is
31 amended to read:

32 7852. (a) Except as provided in subdivision (a) of
33 Section 7852.3, the department shall issue a commercial
34 fishing license for a fee of fifty dollars (\$50) for each
35 resident vessel crewmember.

36 (b) The department shall issue a commercial fishing
37 license for a fee of ninety dollars (\$90) for each resident
38 vessel operator. Any person who has a valid license issued
39 pursuant to this subdivision that has not been suspended
40 or revoked may also serve as a vessel crewmember.



1 Unless all persons are licensed as nonresident operators
2 or crewmembers pursuant to subdivision (c), at least one
3 person aboard each commercial fishing vessel during any
4 fishing operation shall have a commercial fishing license
5 issued pursuant to this subdivision that has not been
6 suspended or revoked.

7 (c) The department shall issue a commercial fishing
8 license for a fee of one hundred fifty dollars (\$150) for a
9 nonresident vessel crewmember or nonresident vessel
10 operator.

11 SEC. 11. Section 7852.21 is added to the Fish and
12 Game Code, to read:

13 7852.21. (a) Any person that has a valid resident
14 crewmember commercial fishing license issued under
15 subdivision (a) of Section 7852 that has not been
16 suspended or revoked may upgrade that license to a
17 resident operator commercial fishing license, as
18 described in subdivision (b) of Section 7852, by obtaining
19 a resident commercial fishing license upgrade stamp.

20 (b) The department shall issue a resident commercial
21 fishing license upgrade stamp upon payment of the fee
22 for that stamp. The upgrade stamp fee shall be equal to
23 the difference in the fee for the resident operator
24 commercial fishing license issued pursuant to subdivision
25 (a) of Section 7852 and the fee for the resident
26 crewmember commercial fishing license issued pursuant
27 to subdivision (b) of Section 7852.

28 (c) This section shall become operative on April 1,
29 1997.

30 SEC. 12. Section 7857 is added to the Fish and Game
31 Code, to read:

32 7857. Unless otherwise specified, the following
33 conditions apply to each commercial fishing license,
34 permit, or other entitlement issued to take, possess
35 aboard a boat, or land fish for commercial purposes and
36 to each commercial boat registration issued by the
37 department, except licenses issued pursuant to Article 7
38 (commencing with Section 8030):

39 (a) The person to whom a commercial fishing permit
40 or other entitlement is issued shall have a valid



1 commercial fishing license issued pursuant to Section
2 7852 that is not revoked or suspended.

3 (b) The commission, after notice and opportunity for
4 hearing, may suspend, revoke, or cancel commercial
5 fishing privileges for a period of time to be determined by
6 the commission for the following reasons:

7 (1) The person was not lawfully entitled to be issued
8 the license, permit, or other entitlement.

9 (2) A violation of this code, the terms of the permit or
10 other entitlement, or the regulations adopted pursuant
11 thereto, by the licensee, permittee, person holding the
12 entitlement, or his or her agent, servant, employee, or
13 person acting under the licensee's, permittee's, or
14 entitled person's direction or control.

15 (3) A violation of any federal law relating to the fishery
16 for which the license, permit, or other entitlement was
17 issued by the licensee, permittee, person holding the
18 entitlement, or his or her agent, servant, employee, or
19 person acting under the licensee's, permittee's, or
20 entitled person's direction or control.

21 (c) The person to whom the commercial fishing
22 license, permit, or other entitlement is issued shall be
23 present when fish are being taken, possessed aboard a
24 boat, or landed for commercial purposes. This subdivision
25 does not apply to commercial fishing vessel permits or
26 licenses.

27 (d) The commercial fishing license, permit, or other
28 entitlement shall be in the licensee's, permittee's, or
29 entitled person's possession, or immediately available to
30 the licensee, permittee, or entitled person at all times
31 when engaged in any activity for which the commercial
32 fishing license, permit, or entitlement is required.

33 (e) Not more than one individual commercial fishing
34 license, permit, or other entitlement of a single type shall
35 be issued to an individual person and not more than one
36 commercial vessel fishing license, permit, or other
37 entitlement of a single type shall be issued for each vessel.

38 (f) Any landing of fish used to qualify for, or renew, a
39 commercial fishing license, permit, or other entitlement



1 shall be reported on landing receipts delivered to the
2 department pursuant to Section 8046.

3 (g) In addition to any other requirements in Article 7.5
4 (commencing with Section 8040), the name of the person
5 issued the commercial fishing license, permit, or other
6 entitlement authorizing the taking of the fish shall be
7 included on the landing receipt for that landing.

8 (h) An application for a commercial fishing license,
9 permit, or other entitlement shall be made on a form
10 containing the information the department may require.

11 (i) Any person who has had a commercial fishing
12 license, permit, or other entitlement suspended or
13 revoked shall not engage in that fishery, and shall not
14 obtain any other commercial fishing license, permit, or
15 other entitlement that authorizes engaging in that
16 fishery, while the suspension or revocation is in effect.

17 (j) A commercial fishing license, permit, or other
18 entitlement is not transferable unless otherwise expressly
19 specified in this code.

20 (k) Every commercial fishing license, permit, stamp,
21 commercial boat registration, or other entitlement issued
22 pursuant to this part, except commercial fish business
23 licenses issued pursuant to Article 7 (commencing with
24 Section 8030), is valid from April 1 to March 31 of the next
25 following calendar year or, if issued after the beginning
26 of that term, for the remainder thereof.

27 SEC. 13. Section 7858 is added to the Fish and Game
28 Code, to read:

29 7858. In addition to the conditions specified in Section
30 7857, the following conditions apply to a commercial
31 permit to take, possess aboard a boat, or land fish for
32 commercial purposes in a limited entry fishery, as defined
33 in Section 8100:

34 (a) The permit shall be renewed annually.

35 (b) Except as otherwise provided by law, an appeal
36 for the denial of a late renewal application or for a waiver
37 of any landing requirements shall be reviewed and
38 decided by the director. The decision of the director may
39 be appealed to the commission.



1 SEC. 14. Section 7881 of the Fish and Game Code is
2 amended to read:

3 7881. (a) Every person who owns or operates a vessel
4 in public waters in connection with fishing operations for
5 profit in this state, or who brings fish into this state, or
6 who, for profit, permits persons to fish therefrom, shall
7 submit an application for commercial boat registration on
8 forms provided by the department and shall be issued a
9 registration number.

10 (b) Upon payment of a fee of two hundred dollars
11 (\$200) by the resident owner or operator of the vessel, the
12 department shall issue a commercial boat registration.
13 The commercial boat registration shall be carried aboard
14 the vessel at all times and posted in a conspicuous place.

15 (c) Upon payment of a fee of four hundred dollars
16 (\$400) by the nonresident owner or operator of the
17 vessel, the department shall issue a commercial boat
18 registration. The commercial boat registration shall be
19 carried aboard the vessel at all times and posted in a
20 conspicuous place.

21 (d) This section does not apply to any vessel that is
22 rented without an operator, unless the vessel is powered
23 with an inboard motor, in which case a commercial boat
24 registration is required.

25 (e) If a registered vessel is lost, destroyed, or sold, the
26 owner of the vessel shall immediately report the loss,
27 destruction, or sale to the department.

28 SEC. 15. Section 7892 is added to the Fish and Game
29 Code, to read:

30 7892. The department shall issue to any person
31 owning or operating an aircraft used in connection with
32 commercial fishing operations in this state an aircraft
33 registration for that aircraft. The registration shall be
34 carried aboard the aircraft at all times when the aircraft
35 is used in connection with commercial fishing operations.
36 The fee for a commercial aircraft registration shall be two
37 hundred dollars (\$200).

38 SEC. 16. Section 7921 of the Fish and Game Code is
39 amended to read:



1 7921. The fee for a commercial passenger fishing boat
2 license is two hundred dollars (\$200) and the commercial
3 passenger fishing boat license shall be issued to the holder
4 of a commercial boat registration issued pursuant to
5 Section 7881.

6 SEC. 17. Section 8046 of the Fish and Game Code is
7 amended to read:

8 8046. (a) The original signed copy of the landing
9 receipt made under Section 8043 or 8043.1 shall be
10 delivered to the department on or before the 16th or last
11 day of the month in which the fish were landed,
12 whichever date occurs first after the landing. A copy of
13 the landing receipt shall be delivered to the commercial
14 fisherman at the time of the purchase or receipt of the
15 fish. That copy of the landing receipt shall be retained by
16 the commercial fisherman for a period of four years and
17 shall be available for inspection at any time during that
18 period by the department. A copy of the landing receipt
19 shall be kept by the person licensed pursuant to Article
20 7 (commencing with Section 8030) who filled out the
21 landing receipt for a period of four years and shall be
22 available for inspection at any time within that period by
23 the department.

24 (b) On delivery of sardines, anchovies, mackerel,
25 squid, tuna, or bonito intended to be processed or sold as
26 fresh fish, the person licensed pursuant to Article 7
27 (commencing with Section 8030) who filled out the
28 landing receipt, upon request of the authorized agent
29 described in subdivision (c), shall notify the authorized
30 agent of the unloading and weighing of the fish and shall
31 permit the authorized agent to be present at all times
32 during the weighing of the fish.

33 (c) A copy of the landing receipt shall be delivered to
34 an agent authorized in writing by the majority of the
35 persons who participated in the taking of the fish,
36 excluding the commercial fisherman receiving the
37 original copy.

38 SEC. 18. Section 8100 of the Fish and Game Code is
39 amended to read:



1 8100. “Limited entry fishery” means a fishery in
2 which the number of persons who may participate or the
3 number of vessels that may be used in taking a specified
4 species of fish is limited by statute.

5 SEC. 19. Section 8231 of the Fish and Game Code is
6 amended to read:

7 8231. The following definitions govern the
8 construction of this article:

9 (a) “Agent” means the person designated in writing
10 by the owner as the owner’s representative.

11 (b) “Appeal” means a request for reconsideration of
12 an action of the review board, the department, or the
13 commission pursuant to this article.

14 (c) “Change of ownership” means the transfer of
15 ownership of a permitted vessel to a new owner.

16 (d) “Commercial salmon vessel permit” means an
17 annual permit issued by the department to an owner of
18 a commercial fishing vessel for use of that vessel to take
19 salmon for commercial purposes and shall not be
20 considered personal property.

21 (e) “Fishing potential” means the capability and
22 capacity for harvesting salmon of a particular commercial
23 fishing vessel. “Fishing potential” includes, but is not
24 limited to, a rating based upon factors such as size,
25 seaworthiness, propulsion system, hold size, and hull
26 design.

27 (f) “Permit” means a commercial salmon vessel
28 permit as defined in subdivision (d).

29 (g) “Permitted vessel” means a commercial fishing
30 vessel for which a permit is currently valid.

31 (h) “Replacement vessel” means a commercial fishing
32 vessel for the use of which a permit is proposed to be
33 transferred pursuant to this article.

34 (i) “Review board” means the commercial salmon
35 fishing review board created pursuant to Section 8247.

36 (j) “Transfer” means the issuance of a permit for use
37 of a replacement vessel.

38 SEC. 20. Section 8233 of the Fish and Game Code is
39 amended to read:



1 8233. Except as otherwise provided in this article, a
2 permit shall be renewed prior to expiration. Each permit
3 issued by the department shall display the expiration date
4 on the face of the permit.

5 SEC. 21. Section 8235 of the Fish and Game Code is
6 amended to read:

7 8235. (a) The owner of a permitted vessel, or that
8 owner's agent, may apply for renewal of the permit
9 annually on or before March 31, upon payment of the fees
10 established under subdivision (b), without penalty. Upon
11 receipt of the application and fees, the department shall
12 issue the permit for use of the permitted vessel in the
13 subsequent permit year only to the owner of the
14 permitted vessel.

15 (b) The department shall fix the annual fee for the
16 renewal of the permit in an amount it determines to be
17 necessary to pay the reasonable costs of implementing
18 and administering this article.

19 (c) If an owner to whom a permit has been issued, or
20 that owner's agent, applies for renewal of the permit, and
21 the application for the renewal is received in an office of
22 the department, or is postmarked if mailed, after March
23 31 but on or before April 30, the department shall accept
24 the application and, upon payment of an additional late
25 fee of one hundred dollars (\$100), the department shall
26 issue the permit for use of the permitted vessel in the
27 subsequent permit year.

28 (d) If the department does not receive a vessel permit
29 renewal application for any vessel for which a vessel
30 permit has been issued, the department shall notify the
31 owner of the vessel. The notice shall be in writing, shall
32 be addressed to the owner at the address listed on his or
33 her most recent vessel permit or vessel permit renewal
34 application, and shall be sent by first-class mail not later
35 than April 20. The notice shall include all of the following:

36 (1) Instruction on how to apply for vessel permit
37 renewal.

38 (2) Information on the provisions of subdivision (c).

39 (3) Information on the provisions of subdivision (f).



1 (e) The department shall suspend any late fees
2 otherwise due under subdivision (c) and shall issue a
3 permit for use of the permitted vessel in the subsequent
4 permit year if the department is unable to accept
5 applications for renewal of permits by March 1.

6 (f) Except as provided in subdivision (c), the
7 department shall not renew a permit for which the
8 application for renewal is not received, or, if mailed, is
9 received or postmarked after expiration of the permit.

10 SEC. 22. Section 8246 of the Fish and Game Code is
11 amended to read:

12 8246. (a) At any time after notice of an order
13 suspending or revoking of a person's commercial salmon
14 fishing privilege is issued by the commission, and before
15 the order of suspension or revocation is final, the
16 commission may, with the agreement of the person
17 subject to the action, compromise or dismiss the action to
18 suspend or revoke the commercial salmon fishing
19 privilege in the best interests of the state, or the
20 commission may compromise or dismiss the action with
21 the agreement of the person subject to the action on
22 terms and conditions, which may include, but are not
23 limited to, the payment of civil damages, the reduction of
24 a revocation to a suspension for a specified period of time,
25 or any other terms and conditions.

26 (b) The commission, after notice and opportunity for
27 hearing and consultation with the review board, may
28 suspend or revoke the commercial fishing privilege,
29 authorized under a license issued for the purposes of
30 Section 7850 or 7852.3, for any violation of a term or
31 condition of an agreement to compromise or dismiss a
32 separate suspension or revocation action which was made
33 pursuant to subdivision (a).

34 (c) If the commission orders a suspension or
35 revocation of a person's commercial salmon fishing
36 privilege, any permit issued pursuant to this article shall
37 be renewed when the next renewal is due or the permit
38 shall expire as provided in Section 8233.



1 (d) Subdivision (b) does not apply if an action is
2 brought to recover civil damages under Section 2014 from
3 the person subject to action under this section.

4 SEC. 23. Section 8254 of the Fish and Game Code is
5 amended to read:

6 8254. (a) Lobsters shall not be taken for commercial
7 purposes except under a valid lobster permit issued to
8 that person that has not been suspended or revoked,
9 subject to regulations adopted by the commission.

10 (b) Every person who takes, assists in taking, possesses,
11 or transports lobsters for commercial purposes while on
12 any boat, barge, or vessel, or who uses or operates or
13 assists in using or operating any boat, net, trap, line, or
14 other appliance to take lobsters for commercial purposes,
15 shall have a valid lobster permit.

16 (c) The permit fee for a lobster permit is two hundred
17 sixty-five dollars (\$265).

18 (d) The fee for a lobster crewmember permit is one
19 hundred twenty-five dollars (\$125). This subdivision shall
20 become operative on April 1, 1997.

21 SEC. 24. Section 8256 of the Fish and Game Code is
22 repealed.

23 SEC. 25. Section 8275 of the Fish and Game Code is
24 amended to read:

25 8275. Unless the provision or context otherwise
26 requires, the definitions in this section govern the
27 construction of this article.

28 (a) “Dungeness crab” or “market crab” means crab of
29 the species *Cancer magister*.

30 (b) “Reconstruction” means major work on the hull of
31 a vessel to make that vessel operable in the California
32 crab fishery if that work may reasonably be expected to
33 be of a duration that will preclude operation of that vessel
34 in the crab fishery for the length of the crab season or
35 longer.

36 (c) “Rock crab” means any crab of the genus *Cancer*
37 other than Dungeness crab and includes rock crab
38 (*Cancer antennarius*), red crab (*Cancer productus*), and
39 yellow crab (*Cancer anthonyi*).



1 (d) “Under construction” means having plans and
2 materials and proceeding with work toward the
3 completion of an operational Dungeness crab fishing
4 vessel.

5 SEC. 26. Section 8280.1 of the Fish and Game Code is
6 amended to read:

7 8280.1. (a) No person shall use a vessel to take,
8 possess, or land Dungeness crab for commercial purposes
9 using Dungeness crab traps authorized pursuant to
10 Section 9011, unless the owner of that vessel has a
11 Dungeness crab vessel permit for that vessel that has not
12 been suspended or revoked.

13 (b) A Dungeness crab vessel permit may be issued
14 only to the following persons for use on qualifying vessels:

15 (1) A person, who has a commercial fishing license
16 issued pursuant to Section 7852 or Article 7 (commencing
17 with Section 8030) that has not been suspended or
18 revoked, who is the owner of a commercial fishing vessel
19 that has been registered with the department pursuant to
20 Section 7881 in each of the 1991–92, 1992–93, and 1993–94
21 permit years and a minimum of four landings in each of
22 three Dungeness crab seasons in the period from
23 November 1, 1984, to April 1, 1994, have been made from
24 that vessel. This paragraph includes any person
25 purchasing a vessel qualifying pursuant to this paragraph.

26 (2) A person who has a commercial fishing license
27 issued pursuant to Section 7852 or Article 7 (commencing
28 with Section 8030) that has not been suspended or
29 revoked, who is the owner of a commercial fishing vessel
30 that has been registered with the department pursuant to
31 Section 7881 in each of the 1991–92, 1992–93, and 1993–94
32 permit years and a minimum of four landings in one of the
33 Dungeness crab seasons in the period from November 1,
34 1984, to April 1, 1994, have been made from that vessel in
35 this state as documented by landing receipts delivered to
36 the department pursuant to Section 8046, who the
37 department finds to have been unable, due to illness or
38 injury or any other hardship, to make a minimum of four
39 landings in each of two of the previous three Dungeness
40 crab seasons, and who, in good faith, intended to



1 participate in the Dungeness crab fishery in those
2 seasons.

3 (3) A person who has a commercial fishing license
4 issued pursuant to Section 7852 that has not been
5 suspended or revoked, who meets the requirements of
6 Section 8101, and who, notwithstanding Section 8101, is,
7 at the time of application, the owner of a fishing vessel
8 that is not equipped for trawling with a net and that has
9 been registered pursuant to Section 7881 in each of the
10 1991–92, 1992–93, and 1993–94 permit years. Not more
11 than one Dungeness crab vessel permit shall be issued to
12 any person qualifying under Section 8101 and all permits
13 issued under Section 8101 shall, notwithstanding
14 paragraph (1) of subdivision (a) of Section 8280.3, be
15 nontransferable. A person qualifying for a permit under
16 this paragraph shall have participated in the Dungeness
17 crab fishery on or before March 31, 1994, as documented
18 by landing receipts that were prepared in that person's
19 name for not less than four landings of Dungeness crab
20 taken in a crab trap in a Dungeness crab season and were
21 delivered to the department pursuant to Section 8046. No
22 person shall be issued a permit under this paragraph if
23 that person has been issued a permit under any other
24 provision of this section for another vessel. For purposes
25 of Section 8101, "participated in the fishery" means made
26 not less than four landings of Dungeness crab taken by
27 traps in that person's name in one Dungeness crab season.
28 The department shall separately identify permits issued
29 pursuant to this paragraph and those permits shall
30 become immediately null and void upon the death of the
31 permittee. The department shall not issue or renew any
32 permit under this paragraph to a person if the person
33 failed to meet the participation requirements of four
34 landings in one season prior to April 1, 1994, or has been
35 issued a Dungeness crab permit for a vessel under any
36 other paragraph of this subdivision.

37 (4) A person who has a commercial fishing license
38 issued pursuant to Section 7852 that has not been
39 suspended or revoked, who meets one of the following
40 conditions:



1 (A) The person held a Dungeness crab permit issued
2 pursuant to Section 8280 as it read on April 1, 1994, and
3 participated in the Dungeness crab fishery between
4 November 1, 1984, and April 1, 1994, and is the owner of
5 a vessel that has been registered with the department in
6 each of the 1991–92, 1992–93, and 1993–94 permit years
7 but did not make landings or the department records do
8 not indicate a minimum of four landings per season for
9 three Dungeness crab seasons from that vessel or in that
10 person’s name because of a partnership or other working
11 arrangement where the person was working aboard
12 another vessel engaged in the Dungeness crab fishery in
13 California.

14 (B) The person held a Dungeness crab permit issued
15 under Section 8280 as it read on April 1, 1994, and is the
16 owner of a commercial fishing vessel that has been
17 registered with the department pursuant to Section 7881
18 in each of the 1991–92, 1992–93, and 1993–94 permit years
19 and from which a minimum of four landings utilizing
20 traps were made in at least one Dungeness crab season in
21 the period between November 1, 1984, and April 1, 1994,
22 and from which either four landings were made utilizing
23 traps or landings in excess of 10,000 pounds were made
24 utilizing traps in each of two other Dungeness crab
25 seasons in that same period, as documented by landing
26 receipts.

27 (C) The person held a Dungeness crab vessel permit
28 issued under Section 8280 as it read on April 1, 1994, or was
29 an officer in a California corporation that was licensed
30 pursuant to Article 7 (Commencing with section 8030) as
31 of April 1, 1994, and began construction or reconstruction
32 of a vessel on or before January 1, 1992, for the purpose of
33 engaging in the Dungeness crab fishery, including the
34 purchase of equipment and gear to engage in that fishery
35 in California. A person may be issued a permit under this
36 condition only if the person intended in good faith to
37 participate in the California Dungeness crab fishery, a
38 denial of a permit would create a financial hardship on
39 that person, and, for purposes of determining financial
40 hardship, the applicant is a nonresident and cannot



1 participate with his or her vessel or vessels in the
2 Dungeness crab fishery of another state because of that
3 state's limited entry or moratorium on the issuance of
4 permits for the taking of Dungeness crab.

5 (5) A person who has a commercial fishing license
6 issued pursuant to Section 7852 that has not been
7 suspended or revoked, who held a Dungeness crab
8 permit issued under Section 8280 as it read on April 1,
9 1994, who made a minimum of four landings of
10 Dungeness crab taken by traps in each of three
11 Dungeness crab seasons in the period from November 1,
12 1984, to April 1, 1994, in his or her name in this state from
13 a vessel owned by that person, as documented by landing
14 receipts, who, between April 1, 1991, and January 1, 1995,
15 purchased, contracted to purchase, or constructed a
16 vessel, not otherwise qualifying pursuant to paragraph
17 (1), (2), or (4), who has continuously owned that vessel
18 since its purchase or construction, and who either (A) has
19 used that vessel for the take of Dungeness crab in this
20 state on or before March 31, 1995, as documented by one
21 or more landing receipts delivered to the department
22 pursuant to Section 8046, or (B) intended in good faith,
23 based on evidence that the department and the review
24 panel may require, including investment in crab gear, to
25 enter that vessel in this state's Dungeness crab fishery not
26 later than December 1, 1995. Not more than one permit
27 may be issued to any one person under this paragraph.

28 (6) A person who held a Dungeness crab permit issued
29 under Section 8280 as it read on April 1, 1994, who made
30 a minimum of four landings utilizing traps in this state in
31 each of three Dungeness crab seasons in the period
32 between November 1, 1984, and April 1, 1994, in his or her
33 name from a vessel operated by that person as
34 documented by landing receipts, who currently does not
35 own a vessel in his or her name, and who has not sold or
36 transferred a vessel otherwise qualifying for a permit
37 under this section. A permit may be issued under this
38 paragraph for a vessel not greater in size than the vessel
39 from which the previous landings were made, and, in no
40 event, for a vessel of more than 60 feet overall length, to



1 be placed on a vessel that the person purchases or
2 contracts for construction on or before April 1, 1996. A
3 permit issued under this paragraph shall be
4 nontransferable and shall not be used for a vessel not
5 owned by that person, and shall be revoked if the person
6 (A) fails to renew the permit or annually renew his or her
7 commercial fishing license issued pursuant to Section
8 7852 or (B) is or becomes the owner of another vessel
9 permitted to operate in the Dungeness crab fishery
10 pursuant to this section.

11 (c) The department may require affidavits offered
12 under penalty of perjury from persons applying for
13 permits under subdivision (b) or from witnesses
14 corroborating the statements of a person applying for a
15 Dungeness crab vessel permit. Affidavits offered under
16 penalty of perjury shall be required of an applicant if the
17 department cannot locate records required to qualify
18 under subdivision (b).

19 (d) No person shall be issued a Dungeness crab vessel
20 permit under this section for any vessel unless that person
21 has a valid commercial fishing license issued pursuant to
22 Section 7852 that has not been suspended or revoked.

23 (e) Notwithstanding Section 7852.2 or subdivision (e)
24 of Section 8280.2, the department may issue a Dungeness
25 crab vessel permit that has not been applied for by the
26 application deadline if the department finds that the
27 failure to apply was a result of a mistake or hardship, as
28 established by evidence the department may require, the
29 late application is made not later than October 15, 1995,
30 and payment is made by the applicant of a late fee of two
31 hundred fifty dollars (\$250) in addition to all other fees for
32 the permit.

33 (f) The department may waive the requirement that
34 a person own a commercial fishing vessel that has been
35 registered with the department pursuant to Section 7881
36 in each of the 1991–92, 1992–93, and 1993–94 permit years
37 for one of those required years under this section only if
38 the vessel was registered and used in the California
39 Dungeness crab fishery during the registration year
40 immediately prior to the year for which the waiver is



1 sought and was registered and used in the California
2 Dungeness crab fishery after the year for which the
3 waiver is sought and if the reason for the failure to register
4 in the year for which the waiver is sought was due to a
5 death, illness, or injury, or other hardship, as determined
6 by the review panel, that prevented the vessel from being
7 registered and operated in the fishery for that
8 registration year.

9 (g) If any person submits false information for the
10 purposes of obtaining a Dungeness crab vessel permit
11 under this section, the department shall revoke that
12 permit, if issued, revoke the person's commercial fishing
13 license that was issued pursuant to Section 7850 for a
14 period of not less than five years, and revoke the
15 commercial boat registration for a period of not less than
16 five years of any vessel registered to that person pursuant
17 to Section 7881 of which that person is the owner.

18 (h) This section shall become inoperative on April 1,
19 2001, and, as of January 1, 2002, is repealed, unless a later
20 enacted statute, which becomes effective on or before
21 January 1, 2002, deletes or extends the dates on which it
22 becomes inoperative and is repealed.

23 SEC. 27. Section 8280.2 of the Fish and Game Code is
24 amended to read:

25 8280.2. (a) The owner of a Dungeness crab vessel, for
26 purposes of this section, may include a person with a bona
27 fide contract for the purchase of a vessel who otherwise
28 meets all other qualifications for a Dungeness crab vessel
29 permit. If a contract is found to be fraudulent or written
30 or entered into for the purposes of circumventing
31 qualification criteria for the issuance of a permit, the
32 applicant shall be permanently ineligible for a Dungeness
33 crab vessel permit.

34 (b) A Dungeness crab vessel permit shall be issued
35 only to the person owning the vessel at the time of
36 application for that permit. No person shall be issued
37 more than one permit for each vessel owned by that
38 person and qualifying for a permit pursuant to Section
39 8280.1.



1 (c) A Dungeness crab vessel permit shall be issued
2 only to the owner of a vessel taking crab by traps. No
3 permit shall be issued to the owner of a vessel using trawl
4 or other nets unless the owner of that vessel qualifies for
5 a permit pursuant to paragraph (1) of subdivision (b) of
6 Section 8280.1. No trawl or other net vessel authorized
7 under this code to take Dungeness crab incidental to the
8 taking of fish in trawl or other nets shall be required to
9 possess a Dungeness crab vessel permit.

10 (d) Dungeness crab vessel permits shall not be
11 combined or otherwise aggregated for the purpose of
12 replacing smaller vessels in the fishery with a larger
13 vessel, and a permit shall not be divided or otherwise
14 separated for the purpose of replacing a vessel in the
15 fishery with two or more smaller vessels.

16 (e) Applications for renewal of all Dungeness crab
17 vessel permits shall be received by the department, or, if
18 mailed, postmarked, by April 30 of each year. In order for
19 a vessel to retain eligibility, a permit shall be obtained
20 each year subsequent to the initial permit year and the
21 vessel shall be registered pursuant to Section 7881. The
22 vessel owner shall have a valid commercial fishing license
23 issued to that person pursuant to Section 7852 that has not
24 been suspended or revoked. No minimum landings of
25 Dungeness crab shall be required annually to be eligible
26 for a Dungeness crab vessel permit.

27 (f) This section shall become inoperative on April 1,
28 2001, and, as of January 1, 2002, is repealed, unless a later
29 enacted statute, which becomes effective on or before
30 January 1, 2002, deletes or extends the dates on which it
31 becomes inoperative and is repealed.

32 SEC. 28. Section 8280.4 of the Fish and Game Code is
33 amended to read:

34 8280.4. (a) The commission may revoke the
35 commercial fishing license issued pursuant to Section
36 7852 of any person owning a fishing vessel engaging in the
37 taking or landing of Dungeness crab by traps for which
38 that person has not obtained a Dungeness crab vessel
39 permit, and the commission may revoke the registration,
40 issued pursuant to Section 7881, for that vessel.



1 (b) This section shall become inoperative on April 1,
2 2001, and, as of January 1, 2002, is repealed, unless a later
3 enacted statute, which becomes effective on or before
4 January 1, 2002, deletes or extends the dates on which it
5 becomes inoperative and is repealed.

6 SEC. 29. Section 8300.1 of the Fish and Game Code,
7 as added by Chapter 1216 of the Statutes of 1992, is
8 amended to read:

9 8300.1. Abalone shall not be taken for commercial
10 purposes except under a valid abalone diving permit
11 issued to that person that has not been suspended or
12 revoked, subject to regulations adopted by the
13 commission. The diving permit fee is three hundred
14 thirty dollars (\$330).

15 SEC. 30. Section 8300.1 of the Fish and Game Code,
16 as added by Chapter 701 of the Statutes of 1992, is
17 repealed.

18 SEC. 30.5. Section 8305.8 of the Fish and Game Code
19 is amended to read:

20 8305.8. Notwithstanding any other provision of law, in
21 the mainland coastal waters from Palos Verdes Point in
22 Los Angeles County to Dana Point in Orange County, it
23 is unlawful to take abalone for commercial purposes.

24 This section shall remain in effect only until January 1,
25 2002, and as of that date is repealed, unless a later enacted
26 statute, which is enacted before January 1, 2002, deletes
27 or extends that date.

28 SEC. 31. Section 8306.2 of the Fish and Game Code is
29 amended to read:

30 8306.2. (a) Abalone diving permits shall be issued to
31 persons who held a valid abalone diving permit in the
32 immediately preceding permit year that has not been
33 suspended or revoked.

34 (b) If the commission determines that abalone diving
35 permits may be issued under this subdivision, an abalone
36 diving permit may be issued to an applicant if the
37 applicant does not qualify as a prior permittee and if the
38 applicant meets either of the following conditions:

39 (1) The applicant has at least two years experience as
40 an abalone diver under a permit issued pursuant to



1 Section 8300.1 or former Section 8306.8, as it read before
2 January 1, 1993.

3 (2) The applicant has at least three years' experience
4 as an abalone crewmember under a permit issued
5 pursuant to Section 8300.2 or former Section 8306.8, as it
6 read before January 1, 1993.

7 (c) If the total number of abalone diving permits
8 which the commission determines may be issued exceeds
9 the number of abalone diving permits issued pursuant to
10 subdivisions (a) and (b), abalone diving permits may be
11 issued to applicants under this subdivision if the applicant
12 does not qualify as a prior permittee and the applicant
13 meets either of the following conditions:

14 (1) The applicant has at least three years experience
15 as an abalone diver or crewmember.

16 (2) The applicant successfully completes a proficiency
17 test administered by the department, under regulations
18 prescribed by the commission.

19 SEC. 31.5. Section 8306.6 of the Fish and Game Code
20 is amended to read:

21 8306.6. A commercial abalone diving permit shall be
22 revoked by a court upon conviction of a violation
23 punishable under Section 8311 or 8312, as provided in
24 those sections. The court shall notify the department
25 upon conviction of any person of that violation.

26 SEC. 32. Section 8308 of the Fish and Game Code, as
27 amended by Section 3 of Chapter 1100 of the Statutes of
28 1993, is amended to read:

29 8308. (a) It is unlawful for a holder of a commercial
30 abalone diving permit to possess, transport, control, or
31 land more than 180 each of red, green, pink, or black
32 abalone on any day, or for there to be more than 360 total
33 of any one species of abalone on a vessel at any time. This
34 subdivision does not prohibit more than 360 of any one
35 species of abalone to be in possession or controlled by an
36 abalone diving permittee when those abalone are being
37 transported on land south of the county line between the
38 County of San Luis Obispo and the County of Santa
39 Barbara.



1 (b) Notwithstanding subdivision (a), in District 10, it
2 is unlawful for a holder of a commercial abalone diving
3 permit to possess, transport, or control on a fishing vessel,
4 or to land more than 84 abalone on any day, or for there
5 to be more than 168 total abalone on a vessel at any time.

6 (c) The court shall order the department to
7 permanently revoke, and the department shall
8 permanently revoke, the commercial fishing license and
9 any commercial fishing permits of any person convicted
10 of a violation of subdivision (a) or (b) if the court finds
11 that the person possessed more than one and one-half
12 times the number of abalone permitted at the time of the
13 offense. That person shall not, thereafter be eligible for
14 any license or permit to take or possess fish for sport or
15 commercial purposes.

16 (d) This section shall remain in effect only until
17 January 1, 2002, and as of that date is repealed, unless a
18 later enacted statute, which is enacted before January 1,
19 2002, deletes or extends that date.

20 SEC. 32.2. Section 8308 of the Fish and Game Code,
21 as amended by Section 4 of Chapter 1100 of the Statutes
22 of 1993, is amended to read:

23 8308. (a) It is unlawful for a holder of a permit which
24 authorizes the taking of abalone for commercial purposes
25 to possess, transport, control, or land more than 180 black
26 abalone at any time or for there to be more than 360 black
27 abalone on a vessel. This subdivision does not prohibit
28 more than 180 black abalone to be in possession or
29 controlled by an abalone diving permittee when those
30 abalone are being transported on land.

31 (b) Notwithstanding subdivision (a), in District 10 it is
32 unlawful for a holder of a commercial abalone diving
33 permit which authorizes the taking of abalone for
34 commercial purposes to possess, transport, or control on
35 a fishing vessel, or to land more than 84 abalone, or for
36 there to be more than 168 total abalone on a vessel at any
37 time.

38 (c) This section shall become operative on January 1,
39 2002.



1 SEC. 32.5. Section 8311 of the Fish and Game Code is
2 amended to read:

3 8311. (a) Notwithstanding Section 12000, and in
4 addition to Section 12009, if any person is convicted of a
5 violation of a regulation permitting the taking of abalone
6 under a sportfishing or sport ocean fishing license issued
7 pursuant to Article 3 (commencing with Section 7145) of
8 Chapter 1 of Part 2, and that person had more than seven
9 times the number of abalone permitted to be possessed
10 under those regulations, that person shall be fined not less
11 than five times the prevailing market value of the
12 abalone.

13 (b) In addition to the fine, upon a conviction
14 punishable under this section, the court shall order the
15 department to revoke, and the department shall revoke,
16 the person's sportfishing or sport ocean fishing license for
17 one year.

18 (c) If the court finds that the person convicted of a
19 violation punishable under this section had more than
20 seven times the number of abalone permitted, had more
21 than seven undersized abalone, or had more than seven
22 abalone removed from the shell, or has had his or her
23 fishing privileges revoked pursuant to subdivision (b) for
24 three separate convictions punishable under this section,
25 the court shall order the department to permanently
26 revoke, and the department shall permanently revoke,
27 the person's sportfishing or sport ocean fishing license. A
28 person whose sportfishing privilege is revoked pursuant
29 to this section shall not be eligible for any license or
30 permit, including, but not limited to, a commercial
31 fishing license, to take or possess fish in this state for life.

32 (d) This section shall remain in effect only until
33 January 1, 2002, and as of that date is repealed, unless a
34 later enacted statute, which is enacted before January 1,
35 2002, deletes or extends that date.

36 SEC. 32.8. Section 8312 of the Fish and Game Code is
37 amended and renumbered to read:

38 12006.6. Notwithstanding Section 12000, and in
39 addition to Section 12009, and notwithstanding the type
40 of fishing license or permit held, if any person is convicted



1 of a violation of Section 8305 or 8305.11, the offense occurs
2 in an area closed to the taking of abalone for commercial
3 purposes north of Point Lobos in District 10, and the
4 person takes or possesses 36 or more abalone, that person
5 shall be punished by all of the following:

6 (a) A fine of five times the market value of the abalone
7 taken or in possession, or ten thousand dollars (\$10,000),
8 whichever is greater.

9 (b) The court shall order the department to
10 permanently revoke, and the department shall
11 permanently revoke, the commercial fishing license and
12 any commercial fishing permits of that person. The
13 person punished under this subdivision shall not,
14 thereafter, be eligible for any license or permit to take or
15 possess fish for sport or commercial purposes, including,
16 but not limited to, a commercial fishing license or a
17 sportfishing or sport ocean fishing license.
18 Notwithstanding any other provision of law, the
19 commercial license or permit of a person arrested for a
20 violation punishable under this section may not be sold,
21 transferred, loaned, leased, or used as security for any
22 financial transaction until disposition of the charges is
23 final.

24 (c) Any vessel, diving or other fishing gear or
25 apparatus, or vehicle used in the commission of an offense
26 punishable under this section shall be seized, and shall be
27 ordered forfeited in the same manner prescribed for nets
28 or traps used in violation of this code in Article 3
29 (commencing with Section 8630) of Chapter 3, or in the
30 manner prescribed in Section 12157.

31 (d) Not less than 50 percent of the revenue deposited
32 in the Fish and Game Preservation Fund from fines and
33 forfeitures collected pursuant to this section shall be
34 allocated for the support of the Special Operations Unit
35 of the Wildlife Protection Division of the department and
36 used for law enforcement purposes.

37 SEC. 33. Section 8313 of the Fish and Game Code is
38 amended to read:

39 8313. (a) Any person who is required to pay a landing
40 tax for abalone pursuant to Sections 8041 and 8042 shall



1 pay, in addition to the landing taxes determined pursuant
2 to Section 8051, an additional tax of nineteen and one-half
3 cents (\$0.195) for each pound, or fraction thereof, of
4 abalone, determined as provided in Section 8042.

5 (b) This section shall remain in effect only until
6 January 1, 2002, and as of that date is repealed, unless a
7 later enacted statute, which is enacted before January 1,
8 2002, deletes or extends that date.

9 SEC. 34. Section 8314 of the Fish and Game Code is
10 amended to read:

11 8314. (a) The landing tax collected pursuant to
12 Section 8313 shall be deposited in the Fish and Game
13 Preservation Fund and shall be used only for the Abalone
14 Resources Restoration and Enhancement Program. The
15 department shall maintain internal accounts necessary to
16 ensure that the funds are disbursed for the purposes in
17 this subdivision. No more of the landing tax collected
18 pursuant to Section 8313 than an amount equal to the
19 regularly approved department indirect overhead rate
20 may be used for administration by the department. Any
21 interest on the revenues from the landing tax collected
22 pursuant to Section 8313 shall be deposited in the fund
23 and used for the purposes in this subdivision.

24 (b) A commercial Abalone Advisory Committee shall
25 be appointed by the director, consisting of six members
26 who shall serve without compensation or reimbursement
27 of expenses. One of the members shall be a person who
28 is required to pay landing taxes pursuant to Section 8313.
29 Each of the five remaining members shall hold a current
30 commercial abalone diving permit, and represent the
31 following groups and organizations:

32 (1) One member shall be selected from divers with a
33 place of residence north of Point Sur.

34 (2) One member shall be selected from divers with a
35 place of residence south of Point Dume.

36 (3) One member shall be selected from divers with a
37 place of residence south of Point Sur and north of Point
38 Dume.

39 (4) Two members shall be selected from the
40 membership of the California Abalone Association

1 without regard to place of residence. This subdivision
2 does not prohibit persons selected pursuant to paragraph
3 (1), (2), or (3) from also being members of the California
4 Abalone Association.

5 (c) The advisory committee shall make
6 recommendations to the director and the director shall
7 use his or her best efforts to implement those
8 recommendations for activities to be conducted with
9 funds collected pursuant to Section 8313, and those funds
10 collected from any previous calendar year shall be
11 available for use for those activities.

12 (d) This section shall remain in effect only until
13 January 1, 2003, and as of that date is repealed, unless a
14 later enacted statute, which is enacted before January 1,
15 2003, deletes or extends that date.

16 SEC. 35. Section 8394 of the Fish and Game Code is
17 amended to read:

18 8394. Swordfish shall not be taken, possessed aboard
19 a boat, or landed by a person for commercial purposes
20 except under a valid swordfish permit. At least one person
21 aboard the boat shall have a swordfish permit issued to
22 that person that has not been revoked or suspended,
23 subject to regulations adopted by the commission.

24 SEC. 36. Section 8397 of the Fish and Game Code is
25 amended to read:

26 8397. (a) If this section is operative as provided in
27 Section 8397.1, the owner or operator of a commercial
28 fishing vessel taking hagfish for commercial purposes
29 shall have a hagfish permit issued to that person that has
30 not been revoked or suspended.

31 (b) The department shall issue permits to the owner
32 or operator of a commercial fishing vessel registered
33 pursuant to Section 7881.

34 (c) The fee for a hagfish permit shall be two hundred
35 fifty dollars (\$250).

36 (d) Each permittee shall complete and submit an
37 accurate record of all hagfish fishing activities on forms
38 provided by the department.

39 (1) Hagfish may only be taken with traps, subject to
40 Article 1 (commencing with Section 9000) of Chapter 4,



1 except that a hagfish fisherman operating under a hagfish
2 permit is not required to possess a general trap permit
3 pursuant to Section 9001.

4 (2) The number of traps that may be possessed aboard
5 and used by any fishing vessel operating under a hagfish
6 permit shall not exceed 1,200 Korean traps or 300 “bucket
7 traps” constructed of plastic buckets of five gallons or less
8 in capacity. No fishing vessel operating under a hagfish
9 permit may possess both Korean traps and other types of
10 traps aboard the vessel at the same time. As used in this
11 paragraph, “Korean trap” means a molded plastic
12 cylinder, not exceeding 6 inches in diameter and 24
13 inches in length.

14 (e) This section shall become inoperative on April 1,
15 1998, and as of January 1, 1999, is repealed, unless a later
16 enacted statute, which becomes effective on or before
17 January 1, 1999, deletes or extends the dates on which it
18 becomes inoperative and is repealed.

19 SEC. 37. Section 8500 of the Fish and Game Code is
20 amended to read:

21 8500. Except as otherwise expressly permitted in this
22 chapter, no mollusks, crustaceans, or other invertebrates
23 may be taken, possessed aboard a boat, or landed for
24 commercial purposes by any person in any tide pool or
25 tidal area, including tide flats or other areas between the
26 high tidemark and 1,000 feet beyond the low tidemark,
27 unless a valid tidal invertebrate permit has been issued to
28 that person that has not been suspended or revoked. The
29 taking, possessing, or landing of mollusks, crustaceans, or
30 other invertebrates pursuant to this section shall be
31 subject to regulations adopted by the commission.

32 SEC. 38. Section 8550 of the Fish and Game Code is
33 amended to read:

34 8550. Herring may be taken for commercial purposes
35 only under a permit, subject to regulations adopted by the
36 commission. The commission may, whenever necessary
37 to prevent overutilization, to ensure efficient and
38 economic operation of the fishery, or to otherwise carry
39 out this article, limit the total number of permits that are



1 issued and the amount of herring that may be taken
2 under the permits.

3 The commission, in limiting the total number of
4 permits, shall take into consideration any restriction of
5 the fishing area and the safety of others who, for purposes
6 other than fishing, use the waters from which herring are
7 taken.

8 SEC. 39. Section 8561 of the Fish and Game Code is
9 amended to read:

10 8561. (a) Notwithstanding Section 8394, shark and
11 swordfish shall not be taken for commercial purposes
12 with drift gill nets except under a valid drift gill net shark
13 and swordfish permit issued to that person that has not
14 been suspended or revoked and is issued to at least one
15 person aboard the boat.

16 (b) A drift gill net shark and swordfish permit shall not
17 be required for the taking of sharks with drift gill nets
18 with a mesh size smaller than eight inches in stretched
19 mesh and twine size no. 18 or the equivalent of this twine
20 size or smaller.

21 SEC. 40. Section 8567 of the Fish and Game Code is
22 amended to read:

23 8567. The fee for a drift gill net shark and swordfish
24 permit shall be three hundred thirty dollars (\$330).

25 SEC. 41. Section 8597 of the Fish and Game Code is
26 amended to read:

27 8597. (a) It is unlawful for any person to take, possess
28 aboard a boat, or land for marine aquaria pet trade
29 purposes any live organisms identified in subdivision (b),
30 unless that person has a valid marine aquaria collector's
31 permit that has not been suspended or revoked. At least
32 one person aboard the boat shall have a valid marine
33 aquaria collector permit.

34 (b) Except as provided in Section 8598.2, specimens of
35 the following groups or species may be taken, possessed
36 aboard a boat, or landed under a marine aquaria
37 collector's permit:

38 (1) Marine plants:

39 (A) Chlorophyta.

40 (B) Phaeophyta.



- 1 (C) Rhodophyta.
2 (D) Spermatophyta, all species.
3 (2) Invertebrates:
4 (A) Polychaeta—worms; all species.
5 (B) Crustacea—shrimp, crabs; all species, except the
6 following:
7 (i) Dungeness crab—*Cancer magister*.
8 (ii) Yellow crab—*Cancer anthonyi*.
9 (iii) Red crab—*Cancer productus*.
10 (iv) Sheep crab—*Loxorhyuchus grandis*.
11 (v) Spot prawn—*Pandalus platyceros*.
12 (vi) Ridgeback prawn—*Sicyonia ingentis*.
13 (vii) Golden prawn—*Penaeus californiensis*.
14 (viii) Sand crab—*Emerita analoga*.
15 (ix) Redrock shrimp—*Lysmata californica*.
16 (x) Bay shrimp—*Crangon* sp. and *Palaemon*
17 *macrodactylus*.
18 (xi) Ghost shrimp—*Callinassa* sp.
19 (C) Asteroidea—Sea stars; all species.
20 (D) Ophiuroidea—Brittle stars; all species.
21 (E) Gastropoda—snails, limpets, sea slugs; all species,
22 except Kellet's whelk—*Kelletia kelletii*.
23 (F) Bivalvia—clams and mussels; all species.
24 (G) Polyplacophora—Chitons; all species.
25 (H) Cephalopoda—Octopuses and squids; all species,
26 except two spot octopuses—*Octopus bimaculatus* and
27 *Octopus maculoides*—and market squid—*Loligo*
28 *opalescens*.
29 (I) Tunicata—Sea squirts; all species.
30 (3) Vertebrates:
31 (A) Osteichthyes—Finfishes; all species, except the
32 following:
33 (i) Rockfish—*Sebastes* sp. larger than six inches total
34 length.
35 (ii) Sheephead—*Semicossyphus pulcher* larger than
36 six inches total length.
37 (iii) Anchovy—*Engraulis mordax*.
38 (iv) Sardine—*Sardinops sagax*.
39 (v) Pacific/chub mackerel—*Scomber japonicus*.
40 (vi) Jack mackerel—*Trachurus symmetricus*.



- 1 (vii) Queenfish—*Seriphus politus*.
2 (viii) White Croaker—*Genyonemus lineatus*.
3 (ix) Top smelt—*Atherinops affinis*.
4 (x) Grunion—*Leuresthes tenuis*.
5 (xi) Shiner surf perch—*Cymatogaster aggregata*.
6 (xii) Longjawed mudsucker—*Gillichthys mirabilis*.
7 (B) Chondrichthyes—sharks, rays, and skates; all
8 species less than 18 inches total length.
9 (c) The holder of a permit issued pursuant to this
10 section is not required to obtain or possess a kelp
11 harvester's license issued pursuant to Section 6651, a tidal
12 invertebrate permit issued pursuant to Section 8500, or a
13 general trap permit issued pursuant to Article 1
14 (commencing with Section 9000) of Chapter 4, when
15 taking, possessing, or landing live organisms for marine
16 aquaria pet trade purposes pursuant to subdivision (b),
17 subject to regulations governing the taking of tidal
18 invertebrates. The commission shall adopt regulations to
19 implement this subdivision, and, for that purpose, may
20 incorporate other regulations by reference.
21 SEC. 42. Section 8598 of the Fish and Game Code is
22 amended to read:
23 8598. (a) Notwithstanding Section 8140 or
24 subdivision (b) of Section 8597, specimens of the
25 following groups or species shall not be taken, possessed
26 aboard a boat, or landed for commercial purposes:
27 (1) Invertebrates:
28 (A) Phylum Porifera—all sponges.
29 (B) Genus *Pelagia* sp.—jellyfish.
30 (C) Coelenterata—corals, anemones; all species.
31 (D) Order Gorgonacea—all gorgonians.
32 (E) Order Pennatulacea—all species, except *Renilla*
33 *kollikeri*.
34 (F) Feather-duster worm—*Eudistylia polymorpha*.
35 (G) Fiddler crab—*Uca crenulata*.
36 (H) Umbrella crab—*Cryptolithodes sitchensis*.
37 (I) Stalked or goose barnacles—*Pollicipes* sp.
38 (J) Giant acorn barnacle—*Balanus nubilus* or *B. aguila*.
39 (K) Owl limpet—*Lottia gigantea*.
40 (L) Coffee bean shells—*Trivia* sp.



- 1 (M) Three-winged murex—*Pteropurpura trialata*.
- 2 (N) Vidler's simnia—*Simnia vidleri*.
- 3 (O) Queen tegula—*Tegula regina*.
- 4 (P) Opisthobranchia (including nudibranchs)—all
- 5 subclass Opisthobranchia species except:
- 6 (i) Sea hares—*Aplysia californica* and *Aplysia*
- 7 *vaccaria*.
- 8 (ii) *Hermisenda crassicornis*.
- 9 (iii) Lion's mouth—*Melibe leonina*.
- 10 (iv) *Aeolidia papillosa*.
- 11 (v) Spanish shawl—*Flabellina iodinea*.
- 12 (2) Vertebrates:
- 13 (A) All shark and ray eggcases.
- 14 (B) Brown smoothhound sharks—*Mustelus*
- 15 *hinlei*—that are less than 18 inches in a whole condition
- 16 or dressed with head and tail removed.
- 17 (C) Family Agonidae—all poachers.
- 18 (D) Wolf-eel—*Anarrhichthys ocellatus*.
- 19 (E) Juvenile sheephead—*Semicossyphus pulcher*
- 20 (under 6 inches).
- 21 (F) Garibaldi—*Hypsypops rubicundus*, except as
- 22 provided in subdivision (b).
- 23 (3) Live rocks.
- 24 (A) Rocks with living organisms attached, commonly
- 25 called "live rocks," shall not be taken or possessed except
- 26 as provided in subparagraph (C).
- 27 (B) Rocks shall not be broken to take marine aquaria
- 28 species, and any rock displaced to access any of those
- 29 species shall be returned to its original position.
- 30 (C) Rocks cultured under the authority of an
- 31 aquaculture registration may be possessed.
- 32 (b) Garibaldi—*Hypsypops rubicundus* may not be
- 33 taken or possessed under a marine aquaria collector's
- 34 permit until February 1, 1999, unless a study, the
- 35 methodology of which is approved by the department,
- 36 shows a less than significant impact on the population of
- 37 the garibaldi resource from that taking. On and after
- 38 February 1, 1999, garibaldi may be taken, possessed
- 39 aboard a boat, or landed under that permit for marine



1 aquaria pet trade purposes only from October 31 to
2 February 1, inclusive.

3 (c) No organisms may be taken, possessed, or landed
4 for marine aquaria pet trade purposes under the terms of
5 a marine aquaria collector’s permit in any of the following
6 areas:

7 (1) On the north side of Santa Catalina Island from a
8 line extending three nautical miles 90 degrees true from
9 Church Rock to a line extending three nautical miles 270
10 degrees true from the extreme west end of the island.

11 (2) On the south or “back” side of Santa Catalina
12 Island from a line extending three nautical miles 90
13 degrees true from Church Rock to a line extending three
14 nautical miles 270 degrees true from the extreme west
15 end of the island.

16 (3) Marine life refuges, marine reserves, ecological
17 reserves, and state reserves.

18 SEC. 43. Section 8598.3 of the Fish and Game Code is
19 amended to read:

20 8598.3. (a) The fee for a marine aquaria collector’s
21 permit shall be three hundred thirty dollars (\$330).

22 (b) A person engaged in taking, possessing, or landing
23 marine species under a marine aquaria collector’s permit
24 shall not take, possess aboard a boat, or land any species
25 under the authority of a scientific collector’s permit
26 issued pursuant to Section 1002, 5515, or 10660 on the
27 same fishing trip.

28 SEC. 44. Section 8598.5 of the Fish and Game Code is
29 repealed.

30 SEC. 45. Section 8837 of the Fish and Game Code is
31 amended to read:

32 8837. It is unlawful to use or possess any trawl net
33 which includes any bag or cod-end or modification
34 thereof, other than a bag or cod-end of a single layer of
35 webbing.

36 SEC. 46. Section 8839 of the Fish and Game Code is
37 repealed.

38 *SEC. 46.5. Section 8842 of the Fish and Game Code,*
39 *as amended by Chapter 1109 of the Statutes of 1994, is*
40 *amended to read:*



1 8842. (a) Trawl nets of a design prescribed by the
2 commission may be used or possessed to take shrimp or
3 prawns under a revocable, nontransferable permit issued
4 by the department under regulations that the
5 commission shall prescribe that are not inconsistent with
6 this section. A permit is valid, unless revoked or canceled,
7 from April 1 to March 31 of the next succeeding calendar
8 year. A permit issued under this section for the permit
9 year beginning on April 1, 1994, and thereafter, may be
10 issued pursuant to paragraph (2) of subdivision (c) to the
11 owner of a vessel registered pursuant to Section 7881, as
12 designated in the application for the permit. That permit
13 shall authorize the use of that designated vessel for the
14 purpose of using trawl nets to take shrimp or prawns
15 pursuant to this section.

16 Sections 8831, 8833, 8835, and 8836 do not apply to trawl
17 nets used or possessed under a permit issued pursuant to
18 this section.

19 (b) When fishing for pink shrimp (*Pandalus jordani*)
20 under a permit issued pursuant to this section, it is
21 unlawful to possess in excess of 1,500 pounds of
22 incidentally taken fish per calendar day of a fishing trip,
23 except Pacific whiting, shortbelly rockfish, and
24 arrowtooth flounder that may be taken in any amount.
25 Not more than 150 pounds of California halibut shall be
26 possessed or landed when fishing under a permit issued
27 pursuant to this section. When fishing for ridgeback
28 prawn and spotted prawn under a permit issued pursuant
29 to this section, it is unlawful to possess in excess of 1,000
30 pounds of incidentally taken fish per trip, except for sea
31 cucumbers that may be taken in any amount.

32 (c) (1) For the 1994–95 permit year, a pink shrimp
33 permit shall be issued only to those applicants who meet
34 one of the following criteria:

35 (A) Possessed a permit issued under this section, or
36 any regulations adopted pursuant to this section, during
37 the 1993–94 permit year or for any permit year prior to
38 the 1993–94 permit year.

39 (B) Is the registered owner of a vessel that landed pink
40 shrimp on or before March 31, 1994. If a vessel owner



1 applies for a permit pursuant to this subparagraph, he or
2 she shall specify the vessel he or she will use in the
3 operations authorized by the permit. Landings used to
4 qualify for permits shall have been reported to the
5 department pursuant to Section 8043.

6 (2) Beginning with the 1995-96 permit year, a pink
7 shrimp permit shall be issued only to applicants who
8 possessed a valid pink shrimp permit in the immediately
9 preceding permit year.

10 (d) The fee for the permit to take pink shrimp shall be
11 two hundred eighty-five dollars (\$285).

12 (e) This section shall remain in effect only until
13 ~~January 1, 1997~~ *April 1, 1999*, and as of that date is
14 repealed, unless a later enacted statute, which is enacted
15 before ~~January 1, 1997~~ *April 1, 1999*, deletes or extends
16 that date.

17 SEC. 47. Section 8842 of the Fish and Game Code, as
18 amended by Chapter 935 of the Statutes of 1994, is
19 amended to read:

20 8842. (a) Trawl nets of a design prescribed by the
21 commission may be used or possessed to take shrimps or
22 prawns under a permit issued by the department under
23 regulations adopted by the commission.

24 Sections 8831, 8833, 8835, and 8836 do not apply to trawl
25 nets used or possessed under a permit issued pursuant to
26 this section.

27 (b) When fishing for pink shrimp (*Pandalus jordani*)
28 under a permit issued pursuant to this section, it is
29 unlawful to possess in excess of 1,500 pounds of
30 incidentally taken fish per calendar day of a fishing trip,
31 except Pacific whiting, shortbelly rockfish, and
32 arrowtooth flounder, which may be taken in any amount
33 not in excess of federal regulations. No Pacific halibut and
34 not more than 150 pounds of California halibut shall be
35 possessed or landed when fishing under a permit issued
36 pursuant to this section. When fishing for ridgeback
37 prawn and spotted prawn under a permit issued pursuant
38 to this section, it is unlawful to possess in excess of 1,000
39 pounds of incidentally taken fish per trip.



1 (c) This section shall become operative on April 1,
2 ~~1997~~. 1999.

3 SEC. 48. Section 9001 of the Fish and Game Code is
4 amended to read:

5 9001. (a) Finfish, mollusks, or crustaceans shall not
6 be taken by a person with traps for commercial purposes
7 in ocean waters except under a valid general trap permit
8 issued to that person that has not been suspended or
9 revoked.

10 (b) Any person who operates or assists in operating
11 any trap to take finfish, mollusks, or crustaceans, other
12 than lobster or Dungeness crabs, as defined in Section
13 8275, or who possesses or transports finfish, mollusks, or
14 crustaceans on any boat, barge, or vessel when any trap
15 is aboard, shall have a general trap permit issued to that
16 person that has not been revoked or suspended while
17 engaged in the activity.

18 (c) The fee for the general trap permit shall be
19 thirty-five dollars (\$35).

20 (d) This section does not apply to the taking of lobster
21 under Section 9010 or to the taking of Dungeness crab
22 under Section 9011.

23 SEC. 49. Section 9001.5 of the Fish and Game Code is
24 amended to read:

25 9001.5. Notwithstanding Section 9001, finfish, other
26 than hagfish taken pursuant to Sections 8397 and 8397.1,
27 shall not be taken with traps for commercial purposes in
28 ocean waters between a line extending due west true
29 from Point Arguello in Santa Barbara County and the
30 United States-Mexico international boundary line except
31 under a valid finfish trap permit issued to the person that
32 has not been suspended or revoked. At least one person
33 aboard each commercial fishing vessel shall have a valid
34 finfish trap permit. A finfish trap permit shall only be
35 issued as follows:

36 (a) For the 1996-97 permit year, to any person who
37 held a general trap permit during the 1995-96 permit
38 year that has not been suspended or revoked and who
39 landed finfish taken in traps for commercial purposes



1 during the 1995–96 permit year in this state as reported
2 on one or more fish landing receipts.

3 (b) For the 1997–98 permit year and thereafter, to any
4 person who held a finfish trap permit to take finfish
5 during the immediately preceding permit year that has
6 not been suspended or revoked and who landed at least
7 50 pounds of finfish taken in finfish traps as reported on
8 one or more fish landing receipts during the immediately
9 preceding permit year. Applications for renewal of a
10 finfish trap permit shall be received by the department,
11 or, if mailed, postmarked, by May 31 of each year.

12 (c) Any applicant who is denied a finfish trap permit,
13 for any reason, may appeal the denial to the commission
14 in writing, describing the basis for the appeal. The appeal
15 shall be received by the commission not later than 60 days
16 after the date of denial.

17 SEC. 50. Section 9001.6 of the Fish and Game Code is
18 amended to read:

19 9001.6. (a) A finfish trap permit issued pursuant to
20 Section 9001.5 authorizes finfish to be taken with finfish
21 traps only subject to the following limitations:

22 (1) No lobster shall be possessed aboard or landed
23 from any vessel for commercial purposes on which finfish
24 are also present unless at least one person on board has a
25 valid finfish trap permit issued to that person pursuant to
26 Section 9001.5 that has not been suspended or revoked
27 and every person on board has a valid lobster permit
28 issued pursuant to Section 8254 that has not been
29 suspended or revoked and is in compliance with this
30 article and Article 5 (commencing with Section 8250) of
31 Chapter 2 and the regulations adopted pursuant to these
32 articles. Lobster shall not be used as bait in finfish traps,
33 and any lobster found in finfish traps that may not be
34 possessed pursuant to this article or Article 5
35 (commencing with Section 8250) of Chapter 2 shall be
36 returned to the water immediately.

37 (2) During the period from one hour after sunset to
38 one hour before sunrise finfish traps that are left in the
39 water shall be unbaited with the door secured open.
40 However, if, for reasons beyond the control of the



1 permittee, all trap doors cannot be secured open prior to
2 one hour after sunset, the permittee shall immediately
3 notify the department.

4 (3) Timed buoy release mechanisms commonly
5 termed “popups” shall not be used on buoy lines attached
6 to finfish traps.

7 (4) Trap destruction devices used on finfish traps shall
8 conform to the current requirements for those devices
9 adopted by the commission.

10 (5) No finfish traps shall be within 750 feet of any pier,
11 breakwall, or jetty in Districts 19, 19A, 19B, 20, 20A, 20B,
12 or 21.

13 (6) Not more than 50 finfish traps may be used in state
14 waters along the mainland shore.

15 (7) The mesh of any finfish trap shall measure two
16 inches by two inches.

17 (b) The fee for the finfish trap permit issued pursuant
18 to Section 9001.5 is one hundred ten dollars (\$110).

19 (c) Notwithstanding paragraphs (2), (4), (5), (6), and
20 (7) of subdivision (a), under a finfish trap permit issued
21 pursuant to Section 9001.5 and a hagfish permit issued
22 pursuant to Sections 8397 and 8397.1, Korean traps, as
23 defined in paragraph (2) of subdivision (f) of Section
24 8397, or “bucket traps” constructed of plastic buckets of
25 five gallons or less in capacity, may be used to take only
26 hagfish. When Korean traps or bucket traps are being
27 used or possessed aboard a boat, no species of finfish other
28 than hagfish shall be taken, possessed aboard a boat, or
29 sold for commercial purposes.

30 (d) This section shall become inoperative on April 1,
31 1998, and as of January 1, 1999, is repealed, unless a later
32 enacted statute, which is enacted before January 1, 1999,
33 deletes or extends that date.

34 SEC. 51. Section 9006 of the Fish and Game Code is
35 amended to read:

36 9006. Any buoy used to mark a trap shall be clearly
37 and distinctively marked with a buoy identification
38 number, as follows:

39 (a) The buoy identification number for a lobster trap
40 used to take lobster under a lobster permit issued



1 pursuant to Section 8254 is the commercial fishing license
2 number issued to the operator of the trap pursuant to
3 Section 7852 followed by the letter "P."

4 (b) The buoy identification number for a trap, which
5 is used under a general trap permit issued pursuant to
6 Section 9001 or a crab trap used to take Dungeness crab
7 under Section 9011 is the commercial fishing license
8 number issued to the operator of the trap pursuant to
9 Section 7852.

10 (c) The buoy identification number for a trap used to
11 take finfish under a finfish trap permit issued pursuant to
12 Section 9001.5 is the commercial fishing license number
13 issued to the operator of the trap pursuant to Section 7852,
14 followed by the letter "Z".

15 SEC. 52. Section 9054 of the Fish and Game Code is
16 amended to read:

17 9054. Sea urchins shall not be taken for commercial
18 purposes except under a valid sea urchin diving permit
19 issued to that person that has not been suspended or
20 revoked, subject to regulations adopted by the
21 commission. Rakes, airlifts, or other handheld appliances
22 may be used to take sea urchins. The commission may,
23 whenever necessary to prevent overutilization or to
24 ensure efficient and economic operation of the fishery,
25 limit the number of permits that may be issued. The
26 commission, as it determines appropriate to protect the
27 resource, may limit the number of permits either on a
28 statewide basis or within selected geographical areas.

29 SEC. 53. Section 14000 of the Fish and Game Code is
30 amended to read:

31 14000. The Governor is hereby authorized and
32 directed to execute a compact on behalf of this state with
33 any or all of the States of Alaska, Idaho, Oregon and
34 Washington for the purpose of cooperating with those
35 states in the formation of a Pacific States Marine Fisheries
36 Commission.

37 SEC. 54. Section 14001 of the Fish and Game Code is
38 amended to read:

39 14001. The form and contents of the Pacific Marine
40 Fisheries Compact shall be substantially as provided in



1 this section and the effect of its provisions shall be
2 interpreted and administered in conformity with the
3 provisions of this division:

4
5 PACIFIC MARINE FISHERIES COMPACT
6

7 The contracting states do hereby agree as follows:

8
9 Article I
10

11 The purposes of this compact are and shall be to
12 promote the better utilization of fisheries, marine, shell
13 and anadromous, which are of mutual concern, and to
14 develop a joint program of protection and prevention of
15 physical waste of such fisheries in all of those areas of the
16 Pacific Ocean over which the compacting states jointly or
17 separately now have or may hereafter acquire
18 jurisdiction.

19 Nothing herein contained shall be construed so as to
20 authorize the compacting states or any of them to limit
21 the production of fish or fish products for the purpose of
22 establishing or fixing the prices thereof or creating and
23 perpetuating a monopoly.

24
25 Article II
26

27 This agreement shall become operative immediately as
28 to those states executing it in the form that is in
29 accordance with the laws of the executing state and when
30 the Congress has given its consent.

31
32 Article III
33

34 Each state joining herein shall appoint, as determined
35 by state statutes, one or more representatives to a
36 commission hereby constituted and designated as the
37 Pacific States Marine Fisheries Commission, of whom one
38 shall be the administrative or other officer of the agency
39 of such state charged with the conservation of the
40 fisheries resources to which this compact pertains. This

1 commission shall be invested with the powers and duties
2 set forth herein.

3 The term of each commissioner of the Pacific States
4 Marine Fisheries Commission shall be four years. A
5 commissioner shall hold office until his successor shall be
6 appointed and qualified but such successor's term shall
7 expire four years from legal date of expiration of the term
8 of his predecessor. Vacancies occurring in the office of
9 such commissioner from any reason or cause shall be filled
10 for the unexpired term, or a commissioner may be
11 removed from office, as provided by the statutes of the
12 state concerned. Each commissioner may delegate in
13 writing from time to time, to a deputy, the power to be
14 present and participate, including voting as his
15 representative or substitute, at any meeting of or hearing
16 by or other proceeding of the commission.

17 Voting powers under this compact shall be limited to
18 one vote for each state regardless of the number of
19 representatives.

20

21

Article IV

22

23 The duty of the said commission shall be to make
24 inquiry and ascertain from time to time such methods,
25 practices, circumstances and conditions as may be
26 disclosed for bringing about the conservation and the
27 prevention of the depletion and physical waste of the
28 fisheries, marine, shell, and anadromous in all of those
29 areas of the Pacific Ocean over which the states signatory
30 to this compact jointly or separately now have or may
31 hereafter acquire jurisdiction. The commission shall have
32 power to recommend the coordination of the exercise of
33 the police powers of the several states within their
34 respective jurisdictions and said conservation zones to
35 promote the preservation of those fisheries and their
36 protection against overfishing, waste, depletion or any
37 abuse whatsoever and to assure a continuing yield from
38 the fisheries resources of the signatory parties hereto.

39 To that end the commission shall draft and, after
40 consultation with the advisory committee hereinafter



1 authorized, recommend to the governors and legislative
2 branches of the various signatory states hereto legislation
3 dealing with the conservation of the marine, shell, and
4 anadromous fisheries in all of those areas of the Pacific
5 Ocean over which the states signatory to this compact
6 jointly or separately now have or may hereafter acquire
7 jurisdiction. The commission shall, more than one month
8 prior to any regular meeting of the legislative branch in
9 any state signatory hereto, present to the governor of
10 such state its recommendations relating to enactments by
11 the legislative branch of that state in furthering the
12 intents and purposes of this compact.

13 The commission shall consult with and advise the
14 pertinent administrative agencies in the signatory states
15 with regard to problems connected with the fisheries and
16 recommend the adoption of such regulations as it deems
17 advisable and which lie within the jurisdiction of such
18 agencies.

19 The commission shall have power to recommend to the
20 states signatory hereto the stocking of the waters of such
21 states with marine, shell or anadromous fish and fish eggs
22 or joint stocking by some or all of such states and when
23 two or more of the said states shall jointly stock waters the
24 commission shall act as the coordinating agency for such
25 stocking.

26

27 Article V

28

29 The commission shall elect from its number a chairman
30 and a vice chairman and shall appoint and at its pleasure
31 remove or discharge such officers and employees as may
32 be required to carry the provisions of this compact into
33 effect and shall fix and determine their duties,
34 qualifications and compensation. Said commission shall
35 adopt rules and regulations for the conduct of its business.
36 It may establish and maintain one or more offices for the
37 transaction of its business and may meet at any time or
38 place within the territorial limits of the signatory states
39 but must meet at least once a year.

40



Article VI

1
 2
 3 No action shall be taken by the commission except by
 4 the affirmative vote of a majority of the whole number of
 5 compacting states represented at any meeting. No
 6 recommendation shall be made by the commission in
 7 regard to any species of fish except by the vote of a
 8 majority of the compacting states which have an interest
 9 in such species.

Article VII

10
 11
 12
 13 The fisheries research agencies of the signatory states
 14 shall act in collaboration as the official research agency of
 15 the Pacific States Marine Fisheries Commission.
 16 An advisory committee to be representative of the
 17 commercial fishermen, commercial fishing industry and
 18 such other interests of each state as the commission
 19 deems advisable shall be established by the commission
 20 as soon as practicable for the purpose of advising the
 21 commission upon such recommendations as it may desire
 22 to make.

Article VIII

23
 24
 25
 26 Nothing in this compact shall be construed to limit the
 27 powers of any state or to repeal or prevent the enactment
 28 of any legislation or the enforcement of any requirement
 29 by any state imposing additional conditions and
 30 restrictions to conserve its fisheries.

Article IX

31
 32
 33
 34 Continued absence of representation or of any
 35 representative on the commission from any state party
 36 hereto, shall be brought to the attention of the governor
 37 thereof.
 38



Article X

1
2
3 The states agree to make available annual funds for the
4 support of the commission on the following basis:

5 Eighty percent of the annual budget shall be shared
6 equally by those member states having as a boundary the
7 Pacific Ocean. Not less than 5 percent of the annual
8 budget shall be contributed by any other member state.
9 The balance of the annual budget shall be shared by those
10 member states having as a boundary the Pacific Ocean,
11 in proportion to the primary market value of the products
12 of their commercial fisheries on the basis of the latest
13 five-year catch records.

14 The annual contribution of each member state shall be
15 figured to the nearest one hundred dollars (\$100).

16
17 Article XI

18
19 This compact shall continue in force and remain
20 binding upon each state until renounced by it.
21 Renunciation of this compact must be preceded by
22 sending six months' notice in writing of intention to
23 withdraw from the compact to the other parties hereto.

24
25 Article XII

26
27 Hawaii or any other state having rivers or streams
28 tributary to the Pacific Ocean may become a contracting
29 state by enactment of the Pacific Marine Fisheries
30 Compact. Upon admission of any new state to the
31 compact, the purposes of the compact and the duties of
32 the commission shall extend to the development of joint
33 programs for the conservation, protection and
34 prevention of physical waste of fisheries in which the
35 contracting states are mutually concerned and to all
36 waters of the newly admitted state necessary to develop
37 such programs.

38 This compact shall become effective upon its
39 enactment by the states signatory to this compact and
40 upon ratification by Congress by virtue of the authority

1 vested in it under Article 1, Section 10, of the Constitution
2 of the United States.

3

4 SEC. 55. Section 14100 of the Fish and Game Code is
5 amended to read:

6 14100. In furtherance of the provisions contained in
7 the compact there shall be three members of the Pacific
8 States Marine Fisheries Commission from the State of
9 California, appointed by the Governor by and with the
10 advice and consent of the Senate. One such commissioner
11 shall be the administrative or other officer of the
12 department or agency of this state charged with the
13 conservation of its marine fisheries resources; another
14 commissioner shall be a Member of the Legislature of this
15 state who is a member of a committee on interstate
16 cooperation of the said Legislature, and another member
17 shall be a citizen of this state who shall have wide
18 knowledge of and interest in the marine fisheries
19 problem.

20 SEC. 56. No reimbursement is required by this act
21 pursuant to Section 6 of Article XIII B of the California
22 Constitution because the only costs that may be incurred
23 by a local agency or school district will be incurred
24 because this act creates a new crime or infraction,
25 eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition
28 of a crime within the meaning of Section 6 of Article
29 XIII B of the California Constitution.

30 Notwithstanding Section 17580 of the Government
31 Code, unless otherwise specified, the provisions of this act
32 shall become operative on the same date that the act
33 takes effect pursuant to the California Constitution.

O

